

## **MINUTES**

### **UTAH SUBSTANCE ABUSE COUNSELORS LICENSING BOARD MEETING**

**February 21, 2007**

**Room 475 – 4<sup>th</sup> Floor – 10:00 A.M.  
Heber Wells Building  
160 East 300 South  
Salt Lake City, Utah**

**CONVENED:** 10:07 A.M.

**ADJOURNED:** 1:45 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Shawn M. McMillen, Chairperson  
Stephen R. Sheppard, Ph.D.  
Linda Cornaby  
Patrick J. Fleming  
Ronald K. Wilkey  
Kelly J. Lundberg, Ph.D.

**Board Members Absent:**

Joel Millard, DSW

**Guests:**

F. David Stanley, Division Director  
Dave Felt  
Santiago Cortez  
Farrina Coulam

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

Read and approve the October 31, 2006 Minutes.

Dr. Lundberg made a motion to approve the minutes as read. Dr. Sheppard seconded the motion. **The Board vote was unanimous.**

FYI

Ms. Taxin notified the Board of Craig Jackson's retirement and the appointment of F. David Stanley as the new Division Director. She introduced Mr. Stanley to the Board.

**Board members welcomed Mr. Stanley.**

**APPOINTMENTS:**

**11:00 A.M.**

Melissa Zahn, Probationary Interview

Ms. Zahn met for her probationary interview.

Dr. Lundberg conducted the interview.

Ms. Zahn commented that she sent everything to the Division and called Ms. McCall who confirmed everything was received. She stated that she had the evaluation completed by Michael Duso about November 13, 2006 and has requested a copy be sent to the Division. She stated that she asked for a copy of the evaluation and he informed her that he could not give her a copy as he had to mail the evaluation directly to the Division.

**Ms. Taxin recommended Ms. Zahn contact Dr. Duso regarding submitting a copy of the evaluation as soon as possible as she is out of compliance with the Stipulation and Order by not having that turned in. She stated that some evaluators do not give a copy to the client and that it is up to the evaluator.**

**Dr. Lundberg suggested Ms. Zahn contact Ms. McCall to be sure the specific information has been received.**

Ms. Zahn again stated that she sent all the reports and Ms. McCall verified that they had been received.

**Ms. Taxin clarified that the reports were received last night but must be sent and received monthly and not several reports sent at one time.**

**Dr. Lundberg stated that the last 2 reports document several months and that is not acceptable when they are due monthly. She stated that this is an area that Ms. Zahn has struggled with but, again, monthly reports are due each month.**

**Dr. Lundberg informed the Board that each report documents Ms. Zahn is receiving 4's and 5's on her performance with a scale of 1 being the lowest.**

**Dr. Lundberg asked Ms. Zahn to update the Board on how she is doing on her continuing education (CE). She stated that the Board understands that Ms. Zahn is on the CE audit list.**

Ms. Zahn acknowledged that she did receive the CE audit information.

She stated that she views the probation as a benefit to herself and the agency. She stated that she is unable to read between the lines and has been confused regarding her requirements and the expectations of the Board.

**Dr. Lundberg stated that the Board has been trying to be very direct with Ms. Zahn. She stated that reports due monthly means reports are due monthly. She stated that if Ms. Zahn is confused or unclear that she should ask questions for clarification.**

Ms. Zahn responded that she was confused about the requirement of any CE hours being pre-approved.

**Ms. Taxin explained that the CE hours to renew the license do not have to be pre-approved but the additional 10 hours of CE in ethics for the probation must be pre-approved.**

Ms. Zahn stated that she completed 2 courses for 6 hours on ethics. She stated that the courses were for professionals and covered the new NAADAC act.

**Ms. Taxin and Dr. Lundquist again reminded Ms. Zahn that the 10 hours required for the probation must be pre-approved.**

**Ms. Taxin asked if the Board would accept the 2 courses.**

**The Board responded that they would accept the one course as it is the course the Association offers.**

**Ms. Taxin reminded Ms. Zahn that she must submit a certificate of completion for the hours to count. She stated that Ms. Zahn now has 4 hours**

**of ethics to complete and have pre-approved.**

Ms. Zahn asked if the Board had any ideas on where to locate ethics courses as she has been unsuccessful in her search.

**Dr. Lundberg suggested she search on the internet as there are always options listed.**

Ms. Zahn asked if internet courses would also have to be pre-approved.

**Ms. Taxin responded that the 4 hours in ethics for the probation would have to be pre-approved.**

Ms. Zahn stated that most courses require an examination at the conclusion of taking the course.

**Ms. Taxin responded that Ms. Zahn is correct. She suggested Ms. Zahn also contact the University of Utah as they have an ethics course.**

Ms. Zahn stated that she has contacted the U of U and they are not offering another ethics course until next fall. She stated that she does have some information on other classes for the Board to review.

**Ms. Taxin commented that she would prefer Ms. Zahn take a class that would be beneficial to her and not take a class just to complete the requirement.**

**Dr. Lundberg suggested Ms. Zahn review the agenda for the Utah Generations Conference in April for completing the 40 hours required to renew her license.**

**Ms. Taxin recommended Ms. Zahn complete the CE early for the next renewal cycle versus waiting until the last minute.**

Ms. Zahn responded that she is doing the best she can right now.

**Dr. Sheppard stated that the information Ms. Zahn submitted is acceptable for CE but there is nothing in the area of ethics. He reminded Ms. Zahn that**

**she must have 6 hours in ethics for the renewal.**

**Mr. Wilkey asked if the Board had extended Ms. Zahn's requirement of completing the 10 hours of CE in ethics past the 1 year deadline. He stated that if the Board did not extend that time period the CE is due in 6 days on February 27, 2007.**

**Dr. Lundberg stated that it is reasonable that Ms. Zahn complete the 4 remaining hours by February 27, 2007.**

**Mr. Wilkey asked if Dr. Dusoe shared any recommendations with Ms. Zahn.**

Ms. Zahn stated that he made no recommendations for her to follow. She stated that they talked about why she is on probation and he helped her look at the situation different and to verbalize her thoughts. She stated that he shared that there are no rules or standards for sober living and it might be of help to her if she could offer help to others by participating in the process of setting standards.

**Dr. Lundberg commented that Ms. Zahn's attitude and presentation are more positive today than when she has met before.**

**Dr. Lundberg stated that there is still the issue of Ms. Zahn not doing things as they should be done such as monthly reports being submitted monthly.**

**Dr. Lundberg stated that Ms. Zahn appeared surprised that the 10 hours in ethics must be completed by February 27, 2007. She stated that Ms. Zahn has had the Stipulation and Order for a year and it is clear in the order that the 10 hours must be completed within 1 year. She recommended Ms. Zahn submit something tomorrow to Ms. Taxin to review for approval.**

**Dr. Lundberg asked Ms. Zahn when she will be able to contact Michael Dusoe to fax the evaluation to Ms. Taxin for review.**

Ms. Zahn responded that she will contact Mike Dusoe today.

**Dr. Lundberg asked if it is reasonable to expect the evaluation to be faxed by Friday. She stated that if there is no progress made then the Board will have to discuss non-compliance consequences.**

**Dr. Lundberg asked if Ms. Zahn has a copy of her Stipulation and Order.**

Ms. Zahn responded that she does have a copy and she reviews it frequently.

**Mr. McMillan stated that Ms. Zahn should review the Stipulation and Order frequently. She stated that Ms. Zahn has said in this meeting that she is unable to read between the lines, however, the Stipulation and Order is very clear on requirements that must be met during the probation.**

**Ms. Taxin stated that if Ms. Zahn created a tracking system it be helpful and as Ms. Zahn completes a requirement she can go to the Stipulation and Order and cross off that item. Ms. Taxin suggested Ms. Zahn contact Ms. McCall to report when Dr. Dusoe will be faxing the report and then call to be sure it was received.**

**An appointment was made for Ms. Zahn to meet again May 2, 2007.**

Ms. Zahn informed the Board that she will be going in for surgery on March 8, 2007. She stated that she will be working part time until she has the clearance from her Doctor to return to work full time.

**Dr. Lundberg reminded Ms. Zahn that the reports are still due monthly.**

Ms. Zahn asked if the courses listed in the brochures she submitted were appropriate for her to take.

**Ms. Taxin responded that she may take any of the courses for the 40 hours required to renew her license.**

**Dr. Lundberg asked if Ms. Zahn knows how many**

**hours of the 40 must be specifically in ethics each renewal period.**

Ms. Zahn responded that she did not know.

**Dr. Lundberg recommended Ms. Zahn review the Laws and Rules for CE requirements. She explained that there is a requirement that 6 hours must be in ethics each renewal period.**

**11:20 A.M.**

Teresa Lloyd, Probationary Interview

Ms. Lloyd met for her probationary interview.

Dr. Sheppard conducted the interview.

**Dr. Sheppard asked Ms. Lloyd to update the Board on her employment and how she is doing in meeting the probationary requirements.**

Ms. Lloyd responded that she has not been employed at Light House since the end of December 2006. She explained that they were unable to meet their payroll obligations and ethically she could no longer stay with them.

**Ms. Taxin asked Ms. Lloyd to submit a letter from her supervisor that explains the Ms. Lloyd left on favorable terms. She stated that Ms. Lloyd must communicate with the Board regarding any change in employment or supervisors.**

**Dr. Sheppard commented that only the October 5, 2006 and November 25, 2006 reports have been received.**

**Ms. Taxin stated that she will need to submit the December 2006, January 2007 and February 2007 reports. She stated that Ms. Lloyd must also write a statement of notification any time she changes her employment or leaves employment.**

Ms. Lloyd explained that the reports have not been sent as she is on unemployment right now and is looking for a position and going to school. She stated that the application closing dates have not come yet for some positions she applied for. She stated that she has applied at Southwest and is very interested in a

position with them.

**The Board voiced understanding regarding why regular reports have not been received.**

**Ms. Taxin reminded Ms. Lloyd that if she is not employed then her probation time stops. She stated that since the time frame has not been an extended time, the Board may count this time but she will need to be employed soon. Ms. Taxin also stated that Ms. Lloyd showed professionalism on her part by saying she could not ethically continue working at Light House. Ms. Taxin stated that she is aware of some of the problems at that facility.**

**Mr. Fleming asked if Ms. Lloyd works with a specific population.**

Ms. Lloyd responded that she works with women and children.

**Mr. Fleming commented that Southwest is a public and good agency and encouraged Ms. Lloyd to continue pursuing a position with Southwest.**

**Dr. Lundberg commented that Ms. Lloyd showed good judgment in leaving her employment.**

**Mr. Fleming suggested when Ms. Lloyd interviews she should just say that she terminated employment at Light House and not give an explanation.**

**Ms. Taxin stated that Ms. Lloyd has been on track with her probation. She suggest Ms. Lloyd write a letter for the file that explains why she resigned if she is unable to get a letter from her supervisor.**

Ms. Lloyd responded that her supervisor resigned also and he will have no problem writing a letter for her.

She stated that her practicum and internship are coming up at the end of 2007. She asked if they will conflict with her probation.



**Ms. Taxin stated that there will not be a conflict as she will be supervised for both and Dr. Don Beck and her supervisors will be writing reports.**

**An appointment was made for Ms. Lloyd to meet again May 2, 2007.**

**11:40 A.M.**

Scott Young, Probationary Interview

Mr. Young met for his probationary interview.

Ms. Cornaby conducted the interview.

**Ms. Cornaby asked Mr. Young to update the Board on what he is doing.**

Mr. Young responded that he is still working at Odyes House. He stated that there have been no changes since he last met with the Board. He reported that he is in the random UA testing system and has to remember to call each day.

**Ms. Cornaby stated that the file indicates that Mr. Young is calling every day and his reports have been submitted. She asked if he has attended any support groups and if he has a copy of the report card to submit.**

Mr. Young responded that he has attended a support group and thought he sent a copy of the report card.

**Ms. Cornaby stated that the information submitted documents December 4, January 8 and February 5. She asked if the Board changed his requirement of attending a support group from twice a month as the Stipulation and Order documents to once a month.**

**Ms. Taxin responded that the Board did not make the recommendation from twice a month to once a month. She asked Mr. Young if he is comfortable with attending the support group once a month.**

Mr. Young responded that he is comfortable and once a month appears to work well for him. He explained that it is a group that several of his peers attend and they get together at other times during the month for outside activities.

**Mr. Fleming made a motion to approve Mr. Young to meet with the support group once a month for a formal meeting and to continue with his informal association with the group.**

**Mr. Wilkey seconded the motion. The Board vote was unanimous.**

**Dr. Lundberg noted that Mr. Young is required to document attendance at the support group quarterly.**

**Ms. Taxin recommended Mr. Young fax or send a copy of his attendance card to her for his file.**

**An appointment was made for Mr. Young to meet again May 2, 2007.**

**12:00 P.M.**

Gregory James McSherry, Probationary  
Interview

Mr. McSherry did not keep his appointment.

Ms. Taxin updated the Board regarding Mr. McSherry being requested to submit specific information when he met with the Board on October 31, 2006. She stated that to date nothing has been submitted.

Ms. McCall explained that she sent the appointment letter on February 2, 2007 and outlined the following items that Mr. McSherry was requested to submit within 2 weeks after the October 31, 2006 appointment with the Board:

1. Submit the new address and phone number.
2. Submit documentation of the medications he is currently taking.
3. Submit documentation of the outcome of his medical tests.
4. Submit reports from each medical Doctor who has treated him.
5. Submit a copy of his UA reports.
6. Submit letters from his long term medical Doctor's confirming his current medical diagnosis and all recommended treatment which includes any opinion regarding substance abuse issues.
7. Submit a letter from his medical Doctor

regarding the reasoning for prescribing suboxone instead of duprenophone.

Ms. Taxin noted that this letter was a reiteration of the prior meeting in which Mr. McSherry wrote down the information and voiced understanding of the requirements.

Ms. McCall stated that she had a phone message from Mr. McSherry this morning confirming that he received the letter regarding his appointment. She stated that he said he informed the Board at the October 31, 2006 meeting that he was moving in with his mother and she lives in Columbus, Ohio. Ms. McCall stated that Mr. McSherry's message stated that he is going in for back surgery and plans to submit the above information regarding his suspended license soon. She stated that he commented that he hopes to return to Utah to have his suspended license reinstated. She stated that Mr. McSherry did not leave a phone number or address of how to contact him.

Ms. Taxin read the Stipulation and Order Findings of Fact regarding the reasons Mr. McSherry is on probation.

**Mr. Fleming voiced concern that Mr. McSherry referred to a suspended license instead of a probationary license.**

**Dr. Lundberg responded that Mr. McSherry is out of compliance with his Stipulation and Order. She stated that he does have health issues and most of the Board thought he had a real addiction problem.**

Ms. Taxin agreed that Mr. McSherry is out of compliance. She stated that the Board could recommend the following actions:

1. Send Mr. McSherry a letter and give him a chance to submit the information within a specified time. Ms. Taxin stated that the Board has already given him one chance to be in compliance and to submit the information. She stated that he signed the Stipulation and Order on August 2, 2006.
2. Recommend an Order to Show Cause based on

non-compliance with the Stipulation and Order.

3. Recommend the license be suspended until he returns to Utah and is employed and address the probation at that time.
4. Speak with the AG for other options.

**Dr. Lundberg commented that she would be comfortable with an Order to Show Cause based on non-compliance with the Stipulation and Order for 7 months.**

**She asked if Ohio would license Mr. McSherry with a suspended Utah license.**

Ms. Taxin responded that Ohio would see that the license is active on probation if they checked the website right now. She stated that if the license was suspended the website would also reflect that status.

**Mr. Fleming commented that it appears Mr. McSherry is alluding to the fact that he believes his license is currently suspended. Mr. Fleming stated that he would like to be sure that it is noted that Mr. McSherry cannot practice in Utah until his Doctor's have documented that he is safe to practice.**

Ms. Taxin explained that if the Board recommends the license be suspended there should be a time limit on the suspension.

**Mr. Fleming responded that he would recommend an Order to Show Cause based on non-compliance.**

**Dr. Lundberg suggested more discussion before a motion regarding an Order to Show Cause versus a suspension. She commented that it appears that a suspension is a softer action than an Order to Show Cause might be.**

Ms. Taxin responded that a suspension is sometimes hard as the Board would then accept that Mr. McSherry is not working and all requirements of the Stipulation and Order are put on hold.

**Mr. McMillan stated that there are conditions of**

**his Stipulation and Order that he has not met. He stated that Mr. McSherry is not acting in a way that shows he will try to return to the field and work as a Substance Abuse Counselor.**

**Dr. Sheppard responded that he is struggling with the issue that Mr. McSherry has had the Stipulation and Order since August 2006, met with the Board in October 2006 and now it is February 2007 and he still has not met any of the requirements of the Order.**

**Dr. Lundberg made a motion for an Order to Show Cause on Mr. McSherry's Substance Abuse Counselors license based on his consistent non-compliance with the Stipulation and Order.**

**Dr. Sheppard seconded the motion. The Board vote was unanimous.**

Ms. Taxin explained that when the Order to Show Cause has been submitted a date will be scheduled for a hearing with the Board acting as the jury. She stated that Mr. McSherry will receive information regarding the hearing and have the opportunity to appear for the hearing.

Ms. Taxin stated that she wants to consult the AG prior to filing an Order to Show Cause to make sure a letter should not be sent first.

**12:30 P.M. to 1:15 P.M.**

**LUNCH BREAK**

**1:15 P.M.**

Patricia Munteer, Probationary Interview

Ms. Taxin explained that Ms. Munteer will not be meeting today. She stated that Ms. Munteer has regularly kept in touch and been responsible to communicate with her. Ms. Taxin stated that Ms. Munteer was not trying to find employment in the field and then started to miss the work. She stated that Ms. Munteer has applied for about 15 positions with no success.

Ms. Taxin explained that Ms. Munteer has been going to school and called to ask if the education will count for the renewal requirement of 40 hours and the additional 10 hours in ethics and standards of practice

for Substance Abuse Counseling. Ms. Taxin stated that she responded to Ms. Munteer that the courses will count if they meet the CE requirements and the requirement of ethics and standards of practice.

Ms. Taxin recommended the Board consider allowing Ms. Munteer to renew her license as she is not a harm to the public and is not currently working in the field.

Ms. Taxin stated that she and the AG wrote a new Stipulation and Order for Ms. Munteer to sign and follow if she obtains employment. She stated that she believes Ms. Munteer does need monitoring.

**Mr. McMillan agreed with Ms. Taxin to allow Ms. Munteer to renew her license. He stated that if Ms. Munteer's license was revoked it would be a huge consequence for her.**

Ms. Taxin stated that Ms. Munteer is trying to expand herself educationally and population wise to help her obtain employment and is as compliant as she can be at this time. She stated that she will update the Board at the next meeting on Ms. Munteer's progress.

**1:45 P.M.**

Richard Nance and Nancy Roget, Discussion regarding Education Requirements and Distance Learning

Santiago Cortez, Dave Felt, Farrina Coulam, LCSW, Director of the CE department of Social Work at the University of Utah and Wendy Woods arrived for the appointment with Richard Nance and Nancy Roget.

Board members and Division staff were introduced.

Mr. Nance distributed the University of Nevada, Reno, Independent Learning course catalog and the Addiction Technology Transfer Center packet for the Board to review.

Ms. Roget explained that the University of Nevada, Reno, has developed an Independent Learning minor program that includes courses for Substance Abuse Counselors. She explained that she would like to review the courses with the Board and answer any questions they may have.

Ms. Roget referred to the handouts and reviewed in

depth the substance abuse program.

**1:20 P.M. – Linda Cornaby left the meeting for an appointment.**

**Following additional discussion, Mr. Fleming made a motion regarding the Board encouraging both the University of Utah and Utah Valley State College to work on obtaining the Substance Abuse minor program as soon as possible and provide the Board with information when the program has been finalized.**

**Mr. Wilkey seconded the motion. The Board vote was unanimous.**

**Mr. Fleming commented that it might be good to include preparation information at the Spring retreat if the program is offered in Utah.**

Mr. Cortez suggested information also be included in the Fall conference.

Ms. Taxin thanked Mr. Nance and Ms. Roget for the presentation.

## **DISCUSSION ITEMS:**

### Legislative Update

Ms. Taxin stated that the Substance Abuse Bill has passed and is now on the consent schedule. She stated that it appeared that all committee members received answers to their questions. Ms. Taxin stated that the Church of Scientology had some questions as they understood that their clergy services would not be allowed unless they were licensed. Ms. Taxin explained that Brent Kelsey addressed their concerns regarding clergy falling under the exemption from licensure.

**Mr. Fleming explained that being on the consent schedule puts it on the consent calendar. He explained that when a motion is made the committee will approve all that are on the consent calendar.**

**Ms. Cornaby explained that items are on the consent calendar for 24 hours and then are brought**

**up individually for discussion. If there are any nay votes the item is discussed again.**

#### Annual Board Member Training

Ms. Taxin explained that the AG's office prepared information to train Board members on specific areas. She stated that each year this training will be given.

Ms. Taxin conducted the annual Board member training. She distributed information on the Open and Public Meeting Act and the Structure of the Licensing Board.

Ms. Taxin covered the requirements to close a meeting and to re-open the meeting.

Ms. Taxin stated that a quorum of the Board must be present to conduct Board business of motions.

Ms. Taxin reviewed the responsibilities and Division expectations of a Board member. Ms. Taxin stated that the number one responsibility is for the Board to protect the public.

She explained that Board members cannot serve on Association Boards as it is a conflict. She stated that she was quite surprised to be in a Legislative meeting and have 2 Board members from another profession she regulates stand up for discussion on a Bill. She stated that she informed them that they could not represent the Association and they disclosed that they are on the Association Board. Ms. Taxin reminded the Board to notify her if any Board member is on an Association Board.

Ms. Taxin reviewed the fire alarm and exit procedures in case of fire or other emergency.

Ms. Taxin deferred completing the training to the next scheduled Board meeting.

#### 2007 Board Meeting Schedule

**The Board noted the following dates for the 2007 Board meeting schedule: May 2, August 8 and November 7, 2007.**

#### **NEXT MEETING SCHEDULED FOR:**

May 2, 2007



**MEETING ADJOURNED AT:**

1:45 P.M.

May 2, 2007  
Date Approved

(ss) Shawn McMillen  
Chairperson, Utah Substance Abuse Counselors  
Licensing Board

March 10, 2007  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational &  
Professional Licensing